

REMARKS

Applicant requests reconsideration of the lack of unity objection under PCT Rule 13, with special reference to PCT Rule 13.4, which permits dependent claims directed to specific forms of the invention as claimed in an independent claim. Applicants believe that all the claims presented here are linked to form a single inventive concept under PCT practice. Applicants would like to draw the Office's attention to the fact that neither the International Searching Authority nor the International Patent Examining Authority made a lack of unity objection in this application.

Applicant has amended claim 1 to recite "an isolated nucleic acid according to SEQ ID NO:1 that encodes a sequence according to SEQ ID NO:2" to make clearer the technical relationship between the claim Groups and to ensure that every claim shares a technical feature with claim 1 directly. Applicants request reconsideration of the Requirement in light of this amendment.

The isolated peptide of claim 3 (Group II as divided by the Office) is encoded by the nucleic acid sequence of claims 1-2 (Group I as divided by the Office). Clearly these three claims relate to the same technical feature as defined in PCT Rule 13.2, namely a gene and gene product. The same is true of claims 4-7 as well. Applicants submit that there is a clear technical

relationship between all of claims 1-7 and request that these claims at least be rejoined for examination.

The methods of claim 8 all use the peptide sequences of Group II. Clearly claim 8 shares the same technical feature of Group II (and Group I), and should be rejoined under PCT Rules 13.2 and 13.4.

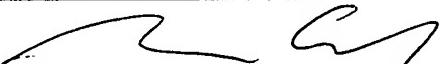
Furthermore, the transgenic plant and non-human animal of claims 9-10 also harbor the nucleic acid of claim 2 (Group I), which expresses peptides of Group II. Therefore, these claims also share the same technical feature of Groups I and II and should be examined together with these groups. At the very least, claims 9-10 should be rejoined with Group I. Applicant here requests reconsideration and rejoinder of at least claims 1-10, which all clearly share the same technical feature.

Claims 11-17 all relate to methods of controlling disease that require administering a composition of claims of Group I or Group II, claims 1-7. These claims therefore also share this same technical feature under PCT Rule 13.2. At the very least these claims should be rejoined and examined with the claims upon which they are dependent--the special technical relationship among these claims is clearly established because the technical feature of the gene/gene product of the invention defines a contribution to each of the claimed inventions of the different

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Groups identified here. Applicant requests reconsideration and rejoinder of claims 1-17, which share the same technical feature.

Each of the claims of the application presented here relate to the same gene and its product(s), which is a special technical feature that both links all claims and defines a contribution which each claim makes over the prior art. Therefore, the requirements of PCT Rule 13.2 are met here. Consequently, the claims possess unity of invention under the standards set forth by PCT Rule 13. All claims should be examined together at this time. Applicant therefore requests that all the pending claims be rejoined for examination.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Martha Cassidy Reg. No. 44,066				
SIGNATURE			DATE	9/12/05	
Address	Rothwell, Figg, Ernst & Manbeck 1425 K Street, N.W., Suite 800				
City	Washington	State	D.C.	Zip Code	20005
Country	U.S.A.	Telephone	202-783-6040	Fax	202-783-6031